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PART I

IMPORTANT GOVERNMENT ORDERS

CHIEF SECRETARIAT

(GENERAL ADMINISTRATION DEPARTMENT)

Karnataka State Servants (Determination of Age) Act 1974–Issues Instructions clarifying various provisions of the Act

OFFICIAL MEMORANDUM

No. GAD 52 SSR 74, BANGALORE DATED THE 6TH SEPTEMBER 1974

The Karnataka State Servants (Determination of Age) Act, 1974 (Karnataka Act No. 22 of 1974) which provides for the determination of the age of the State Servants so far as it relates to their conditions of service on their first appointment and for all matters connected therewith has come into force on 18th June 1974.

2. The provisions of the Act are applicable to all State Servants who are members of a Civil Service of the State of Karnataka and who hold civil posts under the State of Karnataka.

3. Under Section 3, every person, on his appointment as a State Servant, is required to declare to the Appointing Authority his age and date of birth and he shall produce in support thereof before that Authority the following documents.—

(1) An authenticated extract from the birth or baptismal register, or

(2) Orginal Horoscope, or

(3) Correspondence contemporaneous with the date of birth indicating the date and time of birth.

(4) An authenticated copy or extract from the entries made in the School or College records indicating the date of birth.

4. The Act also provides that if any of the above documents cannot be produced by any State Servant he shall furnish reasons for their non availability

and the Appointing Authority may require the State Servant to produce such other documentary evidence in support of the age as the appointing authority may require.

5. Sub-section (2) of Section 3 while empowering the Appointing Authority to determine and accept the age and date of birth casts a duty on that authority to record or cause to be recorded the age and date of birth as accepted by him in his service records, and to Inform the State Servant. In the case of a non-Gazetted State Servants it will be sufficient if his signature is obtained in the Service Register in token of having seen the accepted date of birth after it is so recorded. In the case of a Gazetted State Servant an order shall be issued and communicated to him and to the Accountant General. Such determination is, however, not required to be done in the case of a State Servant whose age and date of birth has been determined in pursuance of a decree of Civil Court which has become final, before the date of commencement of the Act.

6. In respect of the State servants who are already in service, the age and date of birth accepted and recorded in their service records in accordance with the rules in force prior to the coming into force of the said Act shall be deemed to be the age and date of birth accepted and recorded under Section 3(2).

7. Section 4 of the Act bars alteration of age and date of birth once accepted or deemed to have been accepted except as provided under section 5 under which the power to alter the date of birth and age is vested in the State Government in respect of all State Servants except judicial officers and servants of the High Court. The power to alter the date of birth and age of judicial officers is vested in the High Court of Karnataka. In respect of servants of the High Court, this power is exercisable by the Chief Justice or such other Judge or officer of the High Court as he may direct.

8. However, even the Government cannot alter the age and date of birth of a State Servant to his advantage *suo-motu*. This can be done only if the State servant makes an application for the purpose within three years from the date of acceptance of his date of birth or within one year from 18th June, 1974 whichever is later. Further, there is a bar against Government exercising their power in a case where the age and date of birth of a State servant has been accepted and recorded in his service records in pursuance of a decree of a Civil Court obtained by such State servant against the State Government.

9. Sub-section (3) of Section 5 of the Act provides for appointment of an officer for the purpose of making an Inquiry. The Inquiry Officer is a Civil Court and has the powers of such Civil Court for the purpose of summoning and enforcing attendance of witnesses, requiring the discovery and production of any documents receiving evidence on affidavits; requisitioning public record or copy thereof from any Court or office and issuing commissions for the examination of witnesses or documents and any proceedings before him are deemed to be judicial proceedings. The omission to produce any document; refusal to be bound by oath or affirmation; refusal to sign any statement as required by and refusal to answer any questions demanded by the Inquiry Officer would constitute offences as described in Sections 175, 178, 180 and 179 of the I.P C. respectively. Since the inquiry Officer is regarded as Civil Court and his proceedings are judicial proceedings, any intentional insult to him or interruption of his proceedings would constitute an offence as described under Section 228 of the Indian Penal Code. The provisions of the Act invest the enquiry Officer with the power to take further action as provided in the Act if the offences referred to above are committed in the view or presence of the Enquiry Officer. In Notification No.

GAD 48 SSR 74 dated 27th July 1974 Shri B. N. Krishnan, Solicitor and *Ex-officio* Deputy Secretary, Department of Law and Parliamentary Affairs has been appointed for the purpose of making an enquiry under this section. All cases under this section may be referred to the concerned administrative department of the Secretariat which shall get the matter enquired into by Sri B. N. Krishnan.

10. Matters with regard to the determination of age and date of birth of State servants so far as these relate to the conditions of service are taken out of the jurisdiction of courts under section 6 which also prohibits questioning of any decision taken under the Act in any Court of Law.

11. All the Heads of Departments and Appointing Authorities are requested to follow the previsions of the Act for determining the age and date of birth of State Servants for the purpose of their conditions of service.

N. P. JOSHI,
Deputy Secretary to Government,
General Administration Department.
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FINANCE SECRETARIAT

GOVERNMENT OF KARNATAKA

No. FD 16 RFC 74, KARNATAKA GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA.
BANGALORE, DATED 3RD AUGUST 1974.

From

The Secretary to the Government of Karnataka
Finance Department, Bangalore.

To

The District Treasury Officers of all Districts
and
The Treasury Officer, State Huzur Treasury
Bangalore.

Sir,

Emergency Risks (Goods) Insurance Act, 1971 and the Emergency Risks (Undertaking) Insurance Act, 1971. Rates of premium for the quarter commencing from the 1st July 1974.

Ref:—**This Department's letter of even No. dated 15th April 1974.**

In continuation of this Department's letter of even No. dated 15th April 1974 I am directed to forward herewith copies of letters No. 66 (2) Ins. I/73, dated 28th June 1974 and F. No. 66 (2) Ins. I/73, dated 30th June 1974 on the above subject from the Government of India, Ministry of Finance, Department of Revenue and Insurance, New Delhi for your information and guidance.

Yours faithfully
B. N. VENKAT RAO.
Under Secretary to Government,
Finance Department.
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